

## **REMARKS**

### **Introduction**

This paper is in response to the Office Action dated June 15, 2009. Claims 1 – 7 are pending in the application. Claims 1 and 5-7 stand rejected. With the Office Action dated June 15, 2009, the Examiner has withdrawn claims 2-4. Applicants reserve the right to pursue withdrawn claims 2-4 via one or more divisional applications.

With the present Amendment and Reply, Applicants amend claim 1 to remove the term "isomer" as suggested by the Examiner on page 5 of the Office Action dated June 15, 2009. No new matter is presented. Reconsideration of the claims is respectfully requested.

### **Response to Arguments/Remarks**

The Examiner notes that the references listed on the IDS filed in June 2005 were not considered because copies of the references were not provided. Applicants file contemporaneously herewith an information disclosure statement providing copies of the references not considered. Consideration of the references is respectfully requested.

### **Rejection of Claims 1 and 5-7 Under 35 U.S.C. 112, First Paragraph**

Claims 1 and 5-7 stand rejected under 35 U.S.C. 112, first paragraph because the specification is allegedly not enabling for the isomer of the compound 3-[2-(2-methoxyethoxymethyl)-6-trifluoromethyl-pyridine-3-carbonyl]-1,5-dimethyl-8-oxa-bicyclo[3.2.1]oct-6-ene-2,4-dione.

While Applicants do not acquiesce in the propriety of the rejection, Applicant amend claim 1 to remove the term "isomer" in an effort to advance prosecution. Applicants believe the claims are now in condition for allowance and respectfully request withdrawal of the rejection.

**CONCLUSION**

If the Examiner has any remaining issues required for resolution, he is encouraged to telephone the undersigned for expeditious handling. Otherwise, Applicants believe the present case to be in condition for substantive examination.

Respectfully submitted,

Date: December 15, 2009  
Atty Docket No. 70204

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